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8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 SUSAN A. PRICE, No. CIV.S-04-1235 GEB DAD PS

12 Plaintiff,

13 v. ORDER

14 CALIFORNIA DEPARTMENT OF  
15 CORRECTIONS, CORRECTIONAL  
TRAINING FACILITY, SOLEDAD,

16 Defendant.

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18 On December 6, 2005, defendant filed a timely motion for  
19 summary judgment, noticing that motion to be heard on January 6,  
20 2006. On January 3, 2006, defendant filed an amended notice of  
21 motion, continuing the hearing on its motion for summary judgment to  
22 February 17, 2006, apparently as a result of concerns expressed by  
23 plaintiff, who is proceeding pro se in this matter, that she did not  
24 receive defendant's motion in the mail in a timely fashion. That  
25 same day plaintiff filed a request to continue the hearing on the  
summary judgment motion, citing her recent changes of address. In

1 response to the parties' expressed concerns, the courtroom deputy of  
2 the undersigned magistrate judge placed defendant's motion for  
3 summary judgment on the court's February 17, 2006, calendar for  
4 hearing.

5 On January 11, 2006, plaintiff filed a motion to compel  
6 production of documents seeking to compel further compliance document  
7 request plaintiff served upon defendant nearly a year ago. By letter  
8 filed January 19, 2006, defendant objected to plaintiff's motion to  
9 compel as untimely, pointing out that the last day for discovery in  
10 this case was November 18, 2005.

11 Defendant's understanding of the scheduling order in this  
12 case is correct. Under the terms of that order, all discovery was  
13 left open, save and except that it was to be conducted as to be  
14 completed by November 18, 2005. Therefore, plaintiff's untimely  
15 motion to compel will not be placed on the court's calendar but  
16 rather is hereby denied as untimely.

17 While the last day for law and motion under the court's  
18 scheduling order was January 13, 2006, the defendant's motion for  
19 summary judgment is hereby confirmed for hearing on **February 17,**  
20 **2006, at 10:00 a.m.** in Courtroom no. 27 before the undersigned.<sup>1</sup>

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24 <sup>1</sup> Defendant initially noticed its motion for hearing on  
25 January 6, 2006, prior to the law and motion cut-off date, and it is  
26 therefore deemed timely. Moreover, the Final Pretrial Conference in  
this matter is not until April 3, 2006.

Finally, plaintiff shall file and serve opposition to the motion for summary judgment, if any, on or before February 3, 2006. See Local Rule 78-230(c).

IT IS SO ORDERED.

DATED: January 25, 2006.

Dale A. Doyd  
DALE A. DRCZD  
UNITED STATES MAGISTRATE JUDGE

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